



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/087,212 | 02/28/2002 | Frank Cistone | 65608.01001 | 6911 |

34661 7590 02/24/2005

CHARLES N. QUINN
FOX ROTHSCHILD LLP
2000 MARKET STREET, 10TH FLOOR
PHILADELPHIA, PA 19103

| |
|----------|
| EXAMINER |
|----------|

SALVATORE, LYNDIA

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1771

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

LD

Office Action Summary

Application No.

10/087,212

Applicant(s)

CISTONE ET AL.1

Examiner

Lynda M Salvatore

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 29, 30, 35-38 and 48-77 is/are pending in the application.
- 4a) Of the above claim(s) 1-8, 11, 52-54 and 59-76 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 10, 12-21, 29, 30, 48-51, 57, 58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment and accompanying remarks filed 12/03/04 have been fully considered and entered. Claim 12 has been amended, claims 1-8,11,52-54, and 59-76 have been withdrawn and claims 22-28,31-34 and 39-47 have been canceled as requested. Applicant's amendment to claim 12 is found sufficient to overcome the objection set forth in section 2 of the last Office Action. As such, this objection is hereby withdrawn. Applicant's amendment is not found patently distinguishable over the prior art made of record and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

Election/Restrictions

2. Applicant's further traversal Group 1 and Group III is acknowledged, but arguments are still not found persuasive. Applicant was notified in section 1 of the last Office Action that said restriction was made FINAL. If Applicant wishes to further contest said restriction requirement then Applicant should do so in the form a petition. The restriction is set forth as the following.

- I. Claims 1-8,11,31-38,55,56 and 59-64 drawn to textured yarns, staple fibers, or single and/or multi-component yarns class 428, subclass 357+.
- II. Claims 9,10,12-21,29,30,48-51,57 and 58 drawn to non-woven fabric classified in class, 442 subclass 327+.
- III. Claims 22-28,52-54 and 65-77 drawn to filtration and coalescing media classified in class, 210 subclass various.

Remaining pending claims 1-8,11,35-38,52-54,55,56, and 59-77 are withdrawn from consideration as non-elected.

The requirement is still deemed proper and is therefore made FINAL.

Response to Arguments

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 9,10,12-21,29,30,48-51,57 and 58 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tamaru et al., US 6,479,143.

Applicant amended claim 12 to recite limitations presented in non-elected claim 11. Amended claim 12 is presented in independent form, however, it is not clear to the Examiner where in Applicant's remarks, the rejection of the above aforementioned claims are addressed. Applicant discusses at great lengths the advantages that the instant invention has over the prior art, but Applicant makes no specific arguments with respect to the rejected claims. Applicant's remarks lack structural organization and are not considered commensurate in scope with the instantly rejected claims. Some examples of where Applicant's remarks lack organization and/or are not commensurate in scope with the rejected claims include all of the discussion spanning pages 29 through page 34. The Examiner has considered Applicant's remarks to the extent that they pertain to the rejected claims. However, the Examiner maintains that since Applicant did not discuss the applied reference against the specific rejected claims in any specific detail, the Examiner maintains the rejections above. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions and provide arguments commensurate in scope with the rejected claims (e.g., explaining how the claims avoid the reference or distinguish from them). Please note 37 CFR 1.111(b).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1482. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1771

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 16, 2005

ls 

TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700